Before the
Federal Communications Commission
Washington, D.C. 20554

Notice of Proposed Rule Making and Order

Date: October 27th, 2005
To: The Honorable Kevin J. Martin, Chairman, FCC
From: Matthew Brotherton
RE: Proposed Revision of Amateur Radio Operator Requirements, WT Docket No. 05-235

Dear Sir,

My name is Matthew Brotherton, and I am a second year student at the University of Tennessee College of Law. I am commenting on the FCC proposal to drop the 5 WPM Morse code requirement to obtain an amateur radio license of any class as brought up in the FCC *Notice of Proposed Rule Making (NPRM)* in WT Docket 05-235. In the *NPRM*, the FCC correctly determined that the telegraphy requirement is not in the American public's interest as it discourages individuals from becoming amateur radio operators. Morse code is not essential to the effective operation of an amateur station and is being dropped as an amateur radio operator requirement internationally. One life saved by a future HAM operator, who would not have had access to more frequency privileges because he/she was deterred by the 5 WPM Morse Code requirement, trumps any argument that the defense of the Morse telegraphy requirement could possibly make.

I. The Importance of HAM Radio

Besides being used as a recreational device for communication between friends and to

meet new people, HAM radio serves an important communications role in emergencies and disasters. When other forms of communication such as wire and cellular telephone systems are knocked out or overloaded in emergency situations, amateur radio has come to the rescue. Disaster relief efforts were coordinated by amateur radio in recent emergency situations on multiple occasions including the 2001 attacks on the World Trade Center, the 2003 North America blackout, and for various hurricane relief efforts. For the same reason that amateur radio works in emergency situations, the Morse code requirement should be lifted...simplicity. Amateur radio networks are effective during emergency situations because there is no infrastructure or fixed telecommunications network to be destroyed. By eliminating the Morse code requirement, more individuals would not be deterred to begin the process of learning how to be a HAM operator. In addition, those operators already classified as "technicians" could be given access to HF channels. This measure would increase the number of future HAM operators on more frequency channels, thus improving the chance of a life being rescued during a real crisis. Besides saving lives, HAM operators also perform many public service exercises to include information exercises, community, and sporting events. The future number of individuals performing these civic duties would decrease if the Morse code requirement was left in tact.

II. Why written tests and not Morse Code

There are some out there that question any testing at all if you are going to get rid of the Morse Code requirement. The FCC written tests help guide the possible future HAM operators

into positive directions that the hobby serves. These written tests serve more of an instructional role as to what HAM radio is and the positive uses for it, not as a complicated barrier to keep people from joining the HAM community (as the Morse code test). The question/answers for the written tests are freely available to the public and most all current study guides contain the complete question pools covered on the exams. This type of testing really just requires temporarily memorizing the answers to be informed rather than totally having to know the subject matter. This is a lot less of a challenge than having to study and learn a whole new type of communication method like Morse code. Morse code has gotten the rap for being a pain to deal with in the licensing process because people are forced to learn it. Since Morse code is not a necessity for HAM communication, but used primarily for fun and recreation, this simply does not make sense. Besides, without being forced to take Morse code, many might give it a try just for the fun or challenge of it. By being an option and not mandatory, the actual users of Morse code might actually go up.

III. The Balance Test

There are going to be many arguments out there that say one should just learn Morse code because a 5 WPM requirement is so easy a chimpanzee could do it. This subjective stance is not the correct way to go on this issue. The issue here can be decided by a simple balance test. By terminating the Morse code requirement, the FCC is increasing the pool of future HAM operators that will insure the continued existence of a thriving HAM community. The HAM community's most important contribution has been and will be to help save lives in emergency situations. So,

on one side you have an increased chance of a life being saved just by the statistical probability of more HAM operators out there with the telegraphy requirement gone. On the other side of the argument there is the "just do it because it is tradition" argument. Well, that is exactly what Morse code is...tradition. It has been made obsolete by modern technological advances in communication. Life, what is at stake on this issue, makes the "do it because it is a right of passage" argument look barbaric. The "I could type 13 WPM in Morse code when I was 4" argument is also immaterial. Not everyone has the same mechanical thinking skills Morse code requires, thus it is a skill that quite simply is hard for some, but easy for others. It would be a tragedy if a HAM operator was not allowed on a HF signal that would have saved a life for the lone fact that HAM operator could not type 5 WPM of Morse code. The "advancement of the radio art" argument that states by deleting the Morse code requirement you will delete morse code, is simply not true. Morse code is an art form, and like all art forms it will be passed down and learned from those who want to. There is pride to be found in the ability to translate messages in Morse code and to how many WPM in code one can get up to. Yet, this art is one of many arts used in HAM radio operation. For the mere fact that it is an art, and not an essential element of HAM radio, it should be treated as an option and not mandatory.

IV. Morse Code, A Choice Not A Necessity

When it comes to HAM radio, Morse code is an option not a necessity. With modern technological advances, HAM operators can communicate by voice, computers, televisions, or Morse code. As correctly noted in the National Conference of Volunteer Examiner Coordinators

(NCVEC) petition, "Morse code has become obsolete in practically all other contemporary communication systems due to the emergence of satellite and digital communication technologies (*See* Sect. 10 of WT Docket 05-235). It simply does not make sense to test on an obsolete style of communication and not test on any modern style of communication which, in all practicality, would be more useful. Morse code does not need to be kept as a barrier to keep new members from joining the HAM radio community, especially since these new members will rarely use the code anyway. As for the argument that Morse code would be the last form of communication when all other types of communication have failed, this is just no longer accurate. With modern technological advances, digital sound cards can receive a 100% copy of one's communications even when you are unable to hear Morse code. Morse code is like an ancient art form and there are proper avenues in existence to preserve this form of communication for future generations. However, this form of art does not need to be an obstacle to a very practical community like HAM radio, in which consequences could be life or death in a dire situation.

V. The Global Trend

The global movement in the amateur radio operator community has been to drop Morse code telegraphy exam because it is no longer an international requirement as adopted in Article 25 of the international *Radio Regulations* at the 2003 World Radiocommunication Conference. Japan, Canada, Australia, and most European and Oceanic countries have already dropped the requirement. The predominant factors in abolishing the telegraphy exam in these foreign

countries was giving HF privileges to existing HAM operators and to increase the number of users overall. Two great example of this can be seen in Australia and Canada. On January 1, 2004, the Australian Communications Authority, with overwhelming public support, abolished the Morse test requirement and merged its licenses, thus giving HF privileges to many Aussie HAM's for the first time (*See* Amateur Radio in Australia at http://vkfaq.ampr.org) . Similarly, Canada dropped its Morse code requirement that it had for accessing bands below 30 MHZ, although it will remain as one valid criterion (*See* Gazette Notice DGRB-003-05 at http://strategis.gc.ca). Globally, the main public reaction among HAM operators has been to drop the Morse code requirement.

Besides following the international movement, the United States could have a direct impact on HAM operators across the world by dropping its telegraphy exam requirement. Many lesser developed countries with weaker administrative structures look to the United States for a policy structure on various issues where they cannot spend the financial resources to develop their own licensing structure. The licensing for HAM operators is no exception. By dropping its Morse code requirement, the U.S. will become a role model for lesser developed countries, thus increasing the number of HAM operators on a global basis.

Conclusion

The opposition to eliminating the Morse code testing requirement in WT Docket 05-235 are putting the cart before the horse. In 2004, there were only three million reported HAM operators throughout the world, a number that has been steadily decreasing (*See* Amateur Radio

at http://en.wikipedia.org). Morse code has been labeled from those with in the HAM community as the most single reason that the hobby is dying in numbers. With the progression of technology, video games, the internet, and various other hobbies out there, the Morse code requirement is not attracting a younger generation of members to the HAM community. The opposition's main priority needs to be to first save HAM, then worry about Morse code. For those already in the HAM community, those that don't participate in HF and don't get their General or Amateur Extra Class licenses are deterred by one main thing, learning Morse code. The HAM community contributes greatly to society, and their survival is a worthwhile cause. The FCC understands this, and that is why this rule change is necessary. The threat of terrorism, natural disasters, and other unknown emergencies has never been greater in our nation's past, thus the communication lines of the HAM community need not be weakened by the optional and out-of-date relic known as Morse code.

Thank you for your time and consideration of these comments on such an important issue.